

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 12, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Murphy.

Absent—Excused.

Dudley. Floyd.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

See Appendix for committee reports and petitions.

Excused.

Senator Floyd indefinitely, on account of a death in his family, on motion of Senator Bailey.

Bills and Resolutions.

By Senator Baugh:

S. B. No. 305, A bill to be entitled "An Act providing for the maturing and collecting of ad valorem taxes payable to the State, the counties and the several subdivisions and districts embracing all or parts of one or more counties, collectable by the collectors of taxes of such counties, subdivisions and districts; including provisions for the maturing thereof in installments, and for the matur-

ing of unmatured installments in cases of default, and for consequent penalties and costs; providing a means of re-establishing the dates of maturing of defaulted installments, with cancellation of penalties and interest on those whose maturity is restored; providing for the exemption of certain taxes and parts of taxes from the operation of this law in certain cases and during certain periods; including provision for collection of defaulted taxes by suit, and, as an incident of this system of maturities and collections, making unnecessary the preparing and publishing of a delinquent tax list; and prescribing duties of the collectors of taxes."

Read first time and referred to Committee on State Affairs.

By Senator Bledsoe, by request:

S. B. No. 306, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Fairchild et al:

S. B. No. 307, A bill to be entitled "An Act to amend Chapter 62, page 105, General Laws Regular Session, Thirty-second Legislature, approved March 13, 1911, and Chapter 35, page 56, General Laws First Called Session Thirty-fifth Legislature, approved May 19, 1917, so as to provide for the appointment of county farm and canning demonstration agents, and payment of same out of the county funds after January 1, 1925, only after approval thereof by a majority vote of the qualified voters of the county voting at an election for that purpose, and providing for the holding of elections thereon."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Holbrook:

S. B. No. 308, A bill to be entitled "An Act to prevent lotteries."

Read first time and referred to Committee on Criminal Jurisprudence.

My Senator Bledsoe:

S. B. No. 309, A bill to be entitled "An Act to amend Rule 3 of Section 10, Chapter 95, of the General Laws, passed at the Regular Session of the Thirty-second Legislature, defining the phrase 'contagious diseases;' and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Parr:

S. B. No. 310, A bill to be entitled "An Act to amend Sections 5 and 15 of Chapter 58, General Laws, passed at the Second Called Session of the Thirty-sixth Legislature, relating to and regulating the practice of veterinary medicine and veterinary surgery in this State; and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Burkett:

S. B. No. 311, A bill to be entitled "An Act to establish and maintain a Horticultural and Agricultural Experiment Station in Gaines County, Texas; authorizing and directing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board to establish and maintain the same; authorizing said board to accept for and on behalf of the State of Texas donations of lands, moneys, gifts and things of value for the use and benefit of said station and for the establishment thereof; making appropriation to defray cost of establishing said station, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Wood:

S. B. No. 312, A bill to be entitled "An Act requiring any insurance company, casualty company, co-operative life insurance company, life insurance company, fire insurance company, accident insurance company; any life and accident, health and accident, or life, health and accident insurance company; fidelity, guaranty or surety company or company doing a fidelity, guaranty or surety business in this State; any mutual fire, lightning, or storm insurance company, which is required by law to deposit with the State Treasurer

or any other State officer having his office at Austin, Texas, any money, bonds or securities to deposit with such officer either money or bonds or securities which are taxable in this State, and the situs of such money, bonds or securities for taxation purposes shall be in Travis County, Texas; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

S. B. No. 252 Re-referred.

By Senator Darwin:

I move that S. B. No. 252 be recalled from the Committee on Civil Jurisprudence, and referred to the Committee on State Affairs.

The motion prevailed.

H. B. No. 168—Free Conference / Committee Appointed.

The Chair announced the appointment of the following Free Conference Committee on Amendments to H. B. No. 168.

Senators Witt, Darwin, Holbrook, Woods and Baugh.

Special Committees Appointed.

Committee to visit and investigate conditions at the Confederate Home:

Senators Doyle, Turner and Watts.

Committee to investigate the Texas Employers' Insurance Association under Simple Resolution No. 46.

Senators Rogers, Davis and Witt.

Committee to consider the relocation, reestablishment, and future business policy of the State penitentiary.

Senators Lewis, Wood, Fairchild, Bledsoe and Ridgeway.

H. B. No. 131 on Passage to Third Reading.

The Chair laid before the Senate as special order, on its passage to third reading, H. B. No. 131, providing for the investment of the income from the permanent University fund, which was read second time on Feb. 7, and made a special order for this hour.

On motion of Senator Holbrook, further consideration of the bill was postponed until after the morning call next Wednesday, and it was made a special order for that hour.

S. B. No. 3 on Engrossment, and H. B. No. 1 on Second Reading.

Senator Cousins called up S. B. No. 3, relating to appropriations for the aid of the schools, which was read second time on February 8, and laid on the table subject to call.

The Chair under the rules laid before the Senate, on second reading, H. B. No. 1, covering the same subject, in lieu of S. B. No. 3.

H. B. No. 1 was then read second time and the committee report that the bill be not printed, was adopted.

Senator Wood offered the following amendment to the bill:

Amend H. B. No. 1 by striking out Section 1 thereof, and inserting in lieu thereof:

Section 1. For the purpose of promoting and aiding the public schools of the State which have not heretofore received State aid under any rural aid Act, Five Hundred Thousand (\$500,000) Dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated, to supplant the funds of such schools for the scholastic year beginning September 1, 1922, and ending August 31, 1923, and to be distributed in accordance with the provisions of Chapter 43, General Laws passed by the Thirty-seventh Legislature at its First Called Session, 1921.

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—23.

Bailey.	Lewis.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Witt.
Fairchild.	Woods.
Holbrook.	

Nays—4.

McMillin.	Ridgeway.
Parr.	Wirtz.

Absent.

Murphy.

Absent—Excused.

Dudley.

(Pair Recorded.)

Senator Wood (present), who would vote nay; with Senator Floyd (absent), who would vote yea.

Senator Thomas offered the following amendment to the bill:

Amend H. B. No. 1 by striking out the figures 3,000,000 wherever same appear in said bill and substituting therefor the figures 4,500,000, both in the caption and the body of the bill.

THOMAS,
POLLARD,
STRONG.

Senator Wirtz offered the following substitute for the amendment:

Amend House Bill No. 1, by striking out the words three million dollars and adding in lieu thereof the words one million five hundred thousand dollars.

On motion of Senator Cousins, the substitute was tabled.

Question recurring on the amendment by Senator Thomas, yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—13.

Bledsoe.	Lewis.
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Rogers.
Doyle.	Strong.
Fairchild.	Thomas.
Holbrook.	

Nays—14.

Bailey.	Ridgeway.
Baugh.	Stuart.
Clark.	Turner.
Darwin.	Watts.
Davis.	Wirtz.
McMillin.	Witt.
Rice.	Woods.

Absent.

Murphy.

Absent—Excused.

Dudley.

(Pair Recorded.)

Senator Wood (present), who would vote nay; with Senator Floyd (absent), who would vote yea.

Senator Pollard offered the following amendment to the bill:

By striking out the figures 3,000,000 wherever same appears and insert in lieu thereof the figures \$4,000,000.

Pollard, Strong, Thomas, Burkett.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—12.

Bledsoe.	Lewis.
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Rogers.
Fairchild.	Strong.
Holbrook.	Thomas.

Nays—15.

Bailey.	Ridgeway.
Baugh.	Stuart.
Clark.	Turner.
Darwin.	Watts.
Davis.	Wirtz.
Doyle.	Witt.
McMillin.	Woods.
Rice.	

Absent.

Murphy.

Absent—Excused.

Dudley.

(Pair Recorded.)

Senator Wood (present), who would vote nay; with Senator Floyd (absent), who would vote yea.

Senator McMillin offered the following amendment to the bill:

Amend H. B. No. 1 by adding at the end of Section 1 the following: And no part of the funds herein appropriated shall ever be used for the purpose of raising salaries.

Senator Bailey moved the previous question on the adoption of the amendment and the passage of the bill to third reading, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

H. B. No. 131 was passed to third reading.

H. B. No. 1 on Third Reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days in each

House was suspended, and H. B. No. 1 was put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Murphy.

Absent—Excused.

Dudley.

Floyd.

The Chair then laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Murphy.

Absent—Excused.

Dudley.

Floyd.

S. B. No. 135 on Second Reading.

On motion of Senator Wood, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 135, A bill to be entitled "An Act making an appropriation to

cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal year ending August 31, 1922; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and on motion of Senator Bailey, the bill was laid on the table subject to call, and was ordered printed in the Journal.

S. B. No. 15 on Passage to Engrossment.

The Chair laid before the Senate for consideration at this time, on its passage to engrossment, S. B. No. 15, providing for the reading of the Bible in the public schools, the same having been under consideration at the time the Senate adjourned on last Friday.

A motion to postpone further consideration of the bill indefinitely was pending, and the previous question had been ordered on the motion to postpone.

Question: Shall further consideration of S. B. No. 15 be postponed indefinitely?

On motion of Senator Bowers, the vote by which the previous question was ordered was reconsidered.

Question recurring on the motion to postpone further consideration of S. B. No. 15, indefinitely, yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—19.

Bailey.	Pollard.
Baugh.	Rice.
Burkett.	Ridgeway.
Davis.	Rogers.
Clark.	Strong.
Cousins.	Thomas.
Doyle.	Wirtz.
Holbrook.	Wood.
McMillin.	Woods.
Parr.	

Nays—8.

Bledsoe.	Lewis.
Bowers.	Stuart.
Darwin.	Turner.
Fairchild.	Watts.

Absent.

Murphy.	Witt.
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Absent—Excused.

Dudley.	Floyd.
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S. B. No. 141 Set as Special Order.

Senator Cousins moved to suspend the regular order and take up for the purpose of setting as a special order for next Friday after the morning call, S. B. No. 141, known as the Medical Practice Act.

The roll was called and S. B. No. 141 was set as special order for next Friday, by the following vote:

Yeas—19.

Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Holbrook.	Wirtz.
Lewis.	Wood.
Parr.	

Nays—7.

Baugh.	Rice.
Darwin.	Watts.
Fairchild.	Woods.
McMillin.	

Absent.

Bailey.	Witt.
Murphy.	

Absent—Excused.

Dudley.	Floyd.
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Recess.

On motion of Senator Clark, the Senate at 12:10 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

H. B. No. 58 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage.

H. B. No. 58, A bill to be entitled "An Act creating the Krum Independent School District of Denton county, by adding to and making a part of what is known as the Krum Inde-

pendent School District of Denton certain lands and territories adjoining thereto and situated in Denton county for school purposes only; providing for a board of trustees, giving said board of trustees of said independent district power and jurisdiction over said land and territory and the inhabitants thereof; placing said Krum Independent School District under the general statutes, except as herein expressly provided otherwise, and declaring an emergency."

The bill was read third time and passed.

H. B. No. 380 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

H. B. No. 380, A bill to be entitled "An Act creating and establishing a common school district to be known as Common County Line School District No. 49, composed of parts of Fannin and Hunt counties; defining the powers of such district, prescribing the powers of the county board of school trustees in relation thereto, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
	Woods.

Absent—Excused.

Dudley.	Murphy.
Floyd.	

H. B. No. 103 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

H. B. No. 103, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; ac-

cepting the provisions of an Act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the Sheppard-Towner Act; providing that the work shall be carried on through the State Board of Health through its bureau of child hygiene."

The bill was read third time and passed by the following vote:

Yeas—18.

Baugh.	Rogers.
Bledsoe.	Stuart.
Bowers.	Thomas.
Burkett.	Turner.
Clark.	Watts.
Darwin.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
Pollard.	Woods.

Nays—7.

Bailey.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Fairchild.	

Absent.

Cousins.	McMillin.
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Absent—Excused.

Floyd.	Murphy.
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(Pair Recorded.)

Senator Parr (present), who would vote no; with Senator Dudley (absent), who would vote yea.

S. B. No. 278 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

S. B. No. 278, A bill to be entitled "An Act creating the Ninety-sixth Judicial District of Texas, and establishing a new civil district, within the limits of Tarrant County, additional to the district courts now organized and operating in said county; fixing the terms of said court; defining the jurisdiction thereof; providing for the appointment of the judge thereof by the Governor until the next general election; authorizing the transfer of cases by and between the various civil district courts

in said county; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read the third time and passed, by the following vote:

Yeas—23.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
Parr.	

Nays—1.

Watts.

Absent.

Bailey.	Murphy.
Cousins.	Pollard.
McMillin.	

Absent—Excused.

Dudley.	Floyd.
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S. B. No. 262 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

S. B. No. 262, A bill to be entitled "An Act to amend an Act to reorganize the Thirty-fifth and Twenty-seventh Judicial Districts of Texas, passed by the Twenty-ninth Legislature, Chapter 37, as amended by the Second Called Session of the Thirty-first Legislature, Chapter 3; as further amended by the Regular Session of the Thirty-third Legislature, Chapter 61; and as further amended by the Acts of the Regular Session of the Thirty-seventh Legislature, Chapter 31, page 75; and to reorganize the Thirty-fifth Judicial District of Texas, to name the counties composing said Thirty-fifth Judicial District, to fix the time of holding court in the counties composing said Thirty-fifth Judicial District, to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict herewith and declaring an emergency."

The bill was read third time.

Senator Baugh offered the following amendment to the bill:

Amend Senate Bill No. 262 by striking out all of Section 4, and insert in lieu thereof the following:

"This Act shall become effective and operative on and after January 1, 1924, and it is so enacted."

The amendment was adopted.

S. B. No. 262 was finally passed.

S. B. No. 158 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 158, A bill to be entitled "An Act to amend Chapter Thirty-three of the General Laws of the Third Called Session of the Thirty-sixth Legislature of 1920, denominated 'An Act to create the Ninety-first Judicial District; fixing its jurisdiction and time of holding court therein; providing for the appointment by the Governor of a judge for said Ninety-first District; providing that the District Clerk and County Attorney of Eastland County each shall be officers of said Ninety-first District Court and fixing their compensation for services rendered therein; providing for transfer of cases from and to the Ninety-first Judicial District Court and the Eighty-eighth Judicial District Court from one court to the other, requiring notice of such transfer of cases in certain instances to be given; providing that suits shall be alternately filed in said Ninety-first Judicial District Court of Eastland County, and the Eighty-eighth Judicial District Court of Eastland County; providing that no grand jury in said Ninety-first District Court of Eastland County shall be organized unless it is specially ordered by the judge of the Ninety-first District, providing that from and after the first day of January of the year 1925 said Ninety-first Judicial District Court shall cease to exist; declaring that an emergency exists requiring the immediate passage of this Act.'"

The bill was read second time and the committee report that the bill be not printed was adopted.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 158 by striking out all below the enacting clause and insert the following:

Section 1. That Chapter Thirty-three (33) of the General Laws of the Third Called Session of the Thirty-sixth Legislature of 1920 be so amended as to hereafter read as follows:

Section 2. That the Ninety-first Judicial District of Texas be and the same is hereby created, to be composed of the County of Eastland in the State of Texas, and the jurisdiction of said district court shall be coextensive with the limits of said county over all cases, and civil and criminal proceedings and matters of which District Courts of this State are given jurisdiction by the Constitution and laws of this State.

Section 3. The terms of said court shall be as follows: Beginning on the first Monday in February, April, June, August, October and December of each year, and may continue in session until the business of the court is disposed of.

Section 4. The District Clerk of Eastland County shall be the Clerk of the District Court of said Ninety-first Judicial District, sitting in Eastland County, and shall receive such compensation for his service as is provided by law for district clerks.

Section 5. The County Attorney of Eastland County shall be and perform all the duties of County Attorney and District Attorney in the said Ninety-first Judicial District, as well as the Eighty-eighth Judicial District, composed of Eastland County, and shall receive the same compensation for his services as is now or which may hereafter be fixed by law for district attorneys acting in judicial districts composed of two or more counties.

Section 6. That the present incumbent of the Ninety-first Judicial District as created by Chapter 33 of the General Laws of the Third Called Session of the Thirty-sixth Legislature of 1920, shall be and continue the Judge of said Ninety-first Judicial District Court hereby created and he shall hold office until the next general election and until his successor is duly elected and qualified.

Section 7. The District Courts of Eastland County, Texas, shall have concurrent civil and criminal jurisdiction with each other in said coun-

ty in matters over which the jurisdiction is given or shall be given by the Constitution and laws of Texas to district courts; provided, that no grand jury shall be impaneled in the Ninety-first District Court of said county, except that by the special order of the Judge of said Ninety-first District Court, a grand jury shall be called for said court.

Sec. 8. Either of the judges in the said district court of Eastland county may, in their discretion, either in term time or in vacation, transfer any case or cases, civil or criminal, to any other of said district courts by order entered on the minutes of his court, or minutes of orders made in chambers as the case may be, which orders, when made, shall be copied and certified to by said clerk, together with all orders made in said case, and such certified copies of such orders shall be filed among the papers of any case thus transferred, and the fees thereof shall be taxed as a part of the costs of said suit, and the clerk of said court shall docket any such case in the court to which it shall have been transferred, and when so entered the court to which same shall have been thus transferred shall have like jurisdiction therein as in cases originally brought in said court, and the same shall be dropped from the docket of the court from which it was transferred; provided, that when there shall be a transfer of any case from one court to the other, as herein provided, on motion of either of the parties to said suit, notice must be given the opposite party or his attorney, by the party making the motion to transfer, one week before the time of entering the order of transfer.

Sec. 9. When the court provided by this Act is organized, and the law creating this court takes effect, the clerk of the district court of Eastland county, Texas, shall file all suits in his office alternately in said Eighty-eighth Judicial District Court and said Ninety-first Judicial District Court herein provided for.

Sec. 10. That all laws and parts of laws in conflict with this Act be and they are hereby repealed.

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 158 by striking out all above the enacting clause and insert the following:

**A BILL
To Be Entitled**

An Act to amend Chapter Thirty-three of the General Laws of the Third Called Session of the Thirty-sixth Legislature of 1920, denominated 'An Act to create the Ninety-first Judicial District; fixing its jurisdiction and the time of holding court therein; providing for the appointment by the Governor of a judge for said Ninety-first District; providing, that the district clerk and county attorney of Eastland county each shall be officers of said Ninety-first District Court and fixing their compensation for services rendered therein; providing for transfer of cases from and to the Ninety-first Judicial District Court and the Eighty-eighth Judicial District Court from one court to the other, requiring notice of such transfer of cases in certain instances to be given; providing that suits shall be alternately filed in said Ninety-first Judicial District Court of Eastland county, and the Eighty-eighth Judicial District Court of Eastland county; providing that no grand jury in said Ninety-first District Court of Eastland county shall be organized unless it is specially ordered by the judge of the Ninety-first District; providing that from and after the first day of January of the year A. D. 1925, said Ninety-first Judicial District Court shall cease to exist; declaring that an emergency exists requiring the immediate passage of this Act.'

The amendment was adopted.

S. B. No. 158 was passed to engrossment.

S. B. No. 173 on Second Reading.

On motion of Senator Strong, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 173, A bill to be entitled "An Act to permit the manufacture of gasoline, carbon black, or other products from natural gas produced within 25 miles of the boundary line of an adjoining State in which the manufacture of gasoline, carbon black, or other products from natural gas is not prohibited by law; providing that neither the Railroad Commission or any officer or board acting under authority from the State of Texas

shall have the power to interfere therewith, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

The committee report carrying the following amendments was adopted:

Amend Senate Bill No. 173 by striking out all before the enacting clause and inserting in lieu thereof the following:

A bill to be entitled an Act authorizing the manufacture of gasoline, carbon black or other products from any natural gas deposits of this State within certain areas, placing same under the jurisdiction of the Railroad Commission; authorizing the Railroad Commission to adopt rules and regulations hereunder and declaring an emergency.

Amend Senate Bill No. 173 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. It shall be lawful to use natural gas in the manufacture of gasoline, carbon black or other products from any natural gas deposits located in any county on the boundary line between the State of Texas and any adjoining State in which the manufacture of gasoline, carbon black or other such products from natural gas is permitted by law under the conditions as fixed and imposed by the provisions of this Act.

Section 2. That no person, partnership, firm, corporation, or association of persons shall be permitted to use natural gas in the manufacture of carbon black without extracting and saving therefrom the gasoline contained therein, provided the amount of gasoline therein contained shall not be less than 150 gallons to the million cubic feet of gas, such content to be based on the amount of gasoline actually recoverable by modern extracting plants, as generally operated. And provided further that the Railroad Commission of Texas may suspend the operation of this section in case of an emergency arising from an accident or unforeseen, unavoidable circumstances or conditions.

Section 3. Nothing in this Act shall be construed to repeal, or in any manner affect Chapter 155, Acts of the 36th Legislature, Regular Session, being an Act to conserve the oil and gas resources of this State,

nor to repeal or affect any rule, regulation or order of the Railroad Commission, adopted and promulgated under the authority of said Act, except where such rule, regulation or order is in conflict with the provisions of this Act. The Railroad Commission shall have the authority, and it is hereby directed to make and adopt rules and regulations for the development and production of natural gas and the amount that may be used from any well for the purposes named in this Act, which shall not in any event be less than 15 per cent or more than 20 per cent of the potential capacity of such well, and such other rules as may be appropriate and necessary in the administration of this Act, and for the protection of the manufacturer, the producer and the field itself.

Section 4. Any person violating any of the provisions of this Act or any rules or order of the Railroad Commission of Texas made pursuant thereto shall be penalized, as provided in Article 7 of said Chapter 155, Acts of the Thirty-sixth Legislature, Regular Session.

Section 5. The fact that there are numerous plants in an adjoining State operating and consuming large quantities of natural gas in the manufacture of carbon black from natural gas in said State while industrial and domestic consumers residing in said State are supplied by natural gas transported from the State of Texas into said State, thus in effect utilizing natural gas produced in Texas in the manufacture of carbon black in said State, while the citizens of Texas are not allowed so to utilize the same, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act shall take effect from and after its passage, and it is so enacted.

On motion of Senator Strong, the bill was laid on the table subject to call.

S. B. No. 10 on Engrossment.

Senator Davis called up S. B. No. 10, relating to bogus checks, which was read second time on January 29, and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 10, by striking out all after the enacting clause, and insert in lieu thereof the following:

Section 1. That Title 17, Chapter 18, Revised Statutes of 1911, and Acts 1913, page 184, Chapter 99, Section 1, Penal Code of Texas, be amended so as to read as follows:

Article 1422. "Within the meaning of the term 'swindling,' are included the following wrongful Acts:

"1. The exchange of property upon the false pretense that the party is the owner or has the right to dispose of the property given in exchange.

"2. The purchase of property upon the faith and credit of some other person upon the false pretense that such other has given the accused the right to use his name in making the acquisition.

"3. The obtaining by false pretense the possession of any instrument of writing, certificate, field notes or other paper relating to lands, the property of another, with the intent that thereby the proper owner shall be defeated of a valuable right in such lands."

4. The obtaining of money or other thing of value with intent to defraud by giving or drawing of any check, draft or order upon any bank, person, firm or corporation with which or with whom such person giving or drawing such check, draft or order has not at the time of the giving or drawing of such check, draft or order, or at the time when in the ordinary course of business such check, draft or order would be presented to the drawee for payment sufficient funds to pay same; and providing that such person giving or drawing such check, draft or order shall have ten days to pay such check, draft or order after the receipt of written notice, as hereinafter defined, and the failure of such person to pay such check, draft or order within ten days after receiving such notice shall be prima facie evidence of intent to defraud; provided, however, that if the person giving or drawing such check, draft or order shall within ten days from the time he receives written notice of the non-payment of such check, draft or order by the drawee shall pay the same, together with all lawful protest fees, interest, damages and costs incurred, if any, he shall not be prosecuted under this Act. Written notice may be given by such bank, person, firm or corporation upon which such

check, draft or order is drawn, or by the payee of such check, draft or order, or by any officer who shall protest same; and the depositing of a registered letter in any post office of the United States and a receipt obtained therefor, such letter being addressed to the person giving or drawing such check, draft or order, at the last known postoffice address of such person, shall constitute prima facie evidence of such notice. Any person giving or drawing any check, draft or order in violation of the provisions herein made for an amount less than fifty dollars shall be guilty of a misdemeanor and be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than fifty dollars, or more than two hundred and fifty dollars, or by both such fine and imprisonment; and in all cases where such check, draft or order is given or drawn for fifty dollars or more, such person giving or drawing such check, draft or order in violation of the provisions herein made shall be guilty of a felony and punishment therefor is hereby fixed at confinement in the penitentiary of this State for a period of not less than two nor more than ten years. The provisions made in Article 1427, Revised Criminal Statutes of Texas, 1911, that conflict herewith, are hereby repealed.

Section 2. The fact that there is no law now protecting individuals, banks, merchants and corporations of this State from being swindled by the giving or drawing of checks where there are no funds to pay same creates an emergency and an imperative public necessity which demands that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage.

Senator Bailey moved to adopt the minority report recommending that the bill do not pass.

The motion prevailed.

H. C. R. No. 15.

The Chair laid before the Senate for consideration at this time House Concurrent Resolution No. 15.

Whereas, the regulation of immigration to the United States is one of the vexing questions which confront the Congress of the United States; and

Whereas, no satisfactory solution of the proper method of the regulation of immigration has been adopted. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that we call upon the Congress of the United States to pass an immigration law which will be substantially as follows:

First. To allow the various States of the United States, through the Governor of that State, or such machinery as the State Legislature may provide, to make up a quota of the kind and character and number of immigrants which any given state is willing and ready to receive for any given year or period of years, designating the country from which said immigrants are to come, and when said quota is to be made by the State government the same shall be forwarded to the Bureau of Immigration at Washington, D. C., and added to the quota from various other states will continue the number of immigrants which may be received into the United States in any given period.

Second. It being provided further, that when immigrants under this law shall come to the United States that they shall be taken off of ships at the port nearest to the State to which they are consigned as their destination, and that they remain in custody of the immigration officials until they reach the State to which they have been assigned, and that they be required to remain in such State for a period to be determined by the Legislature or Governor at the time of making up the quota of immigrants desired by such State, or until they obtain their citizenship. In other words, such immigrants to be under the jurisdiction of the State to which they are consigned until they become citizens of the United States; and

Whereas, it is necessary for the preservation of a homogenous race that such steps as are above indicated, shall be taken at an early dated. Now, therefore, be it

Resolved, That a copy of this resolution be sent to each member of the House of Representatives and each United States Senator with request that they pass a law as indicated above.

The resolution was read, and on motion of Senator Baugh, was referred to the Committee on Federal Relations.

H. C. R. No. 11.

Senator Lewis called up, by unanimous consent, H. C. R. No. 11.

On motion of Senator Lewis, by unanimous consent, the Senate rule requiring committee reports to lie over one day, was suspended.

The Chair laid H. C. R. No. 11 before the Senate and it was read as follows:

Whereas, The Board of Prison Commissioners has at divers times under the existing laws, purchased several farms now owned by the State, towit, the Eastham Farm, Ferguson Farm, Shaw Farm, Ramsey Farm, and Harlem Farm; and,

Whereas, At the several times of said purchase, towit, in the years 1914, 1916 and 1917, the Board of Prison Commissioners executed certain vendor's lien notes to secure part of purchase prices thereof; and,

Whereas, There matured of the notes on said named farms, on January 1, 1923, approximately \$66,720.54, of the principal, together with the annual interest installment due on all of the remaining notes outstanding at that date, towit, \$20,146.93, which interest and principal are in the approximate aggregate amount of \$86,867.47, which amount bears interest according to the terms of said notes after maturity, at the rate of 6 per cent per annum; and,

Whereas, The Board of Prison Commissioners and the Governor have advised the Committee on Penitentiaries of the House and the Senate that the Prison System has not on hand at this time the money with which to meet said principal installments and matured interest, all of which has been past due since January 1, 1923, held in certain banks in the City of New York; and

Whereas, It was informally stipulated by said Penitentiary Committees at the time they agreed to urge the passage of Senate Bill No. 241, which has since become a law, that the Brown-Crummer Investment Company of Wichita, Kansas, and Dallas, Texas, at the specific request of said committees would and did

agree to take up and carry for a short period, towit, thirty days, said notes and interest coupons without any charge to the State, except the interest which said notes and past due interest bear on their face, towit, 6 per cent, during which thirty-day period the committees should ask the Legislature to determine whether said indebtedness would be paid off at once or extensions thereof authorized; and

Whereas, It now appears that the Board of Prison Commissioners is not in position to pay same and the condition will not be changed within the next thirty days, and it is to the best interest of the State that the action indicated below be taken; and

Whereas, Said company is not under obligations to accept and purchase renewals of said notes unless and until the Legislature has expressed specific desire as herein indicated; therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Board of Prison Commissioners, with the approval of the Governor be, and they are hereby authorized to execute extension agreements or new notes in lieu of said above enumerated matured notes and matured interest in favor of the holder thereof, towit: The Brown-Crummer Investment Company, as and when said company takes up said original notes and pays said matured interest, to bear the same rate of interest as said original obligations, said extensions to be for such length of time as in the judgment of the Board of Prison Commissioners and the Governor is deemed best, and the expense of converting and exchanging said matured notes and interest into marketable paper to be paid by the Board of Prison Commissioners out of its current funds.

The Attorney General is directed to prepare necessary papers effecting the renewal notes and or extension agreements which may be consummated by and between the Board of Prison Commissioners and the Governor and said company.

On motion of Senator Lewis, the committee report carrying the following amendment, was adopted:

Strike out the following words on page 2 of said resolution: "and the expense of covering and exchanging said matured notes and interest into

marketable paper to be paid by the Board of Prison Commissioners out of its current funds."

H. C. R. No. 11 was then adopted.

S. B. No. 204 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 204, A bill to be entitled "An Act creating the El Carre Independent School District, in Jim Wells County, Texas; defining its boundaries, providing a board of three trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by general law for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted and the bill passed to engrossment.

S. B. No. 205 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 205, A bill to be entitled "An Act creating the Sheerin Independent School District in Jim Wells County, Texas; defining its boundaries, providing a board of three trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by general law for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

S. B. No. 206 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 206, A bill to be entitled "An Act creating the Dilworth Independent School District in Jim Wells County, Texas; defining its boundaries, providing for a board of trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by general law for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

S. B. No. 208 and H. B. No. 293 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 208, A bill to be entitled "An Act to create the Talpa Independent School District in Coleman County, Texas, including the present Talpa District of said county, providing a board of trustees therefor, vesting said Independent school District and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Talpa District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read second time.

Under the rules the Chair laid before the Senate H. B. No. 293, covering the same subject, and it was read second time.

The committee report that the bill be not printed was adopted.

H. B. No. 293 was passed to third reading.

S. B. No. 83 on Engrossment.

Senator Woods called up S. B. No. 83, defining negligent assault and battery, which was read the second time on January 23, and was laid on the table subject to call.

The Chair laid the bill before the Senate, and it was passed to engrossment.

S. B. No. 83 on Third Reading.

On motion of Senator Woods, the constitutional rule requiring bills to be read on three several days in each House, was suspended, and S. B. No. 83 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Dudley.	Murphy.
Floyd.	

The Chair then laid S. B. No. 83 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. B. No. 107 on Engrossment.

Senator Holbrook called up S. B. No. 107 relating to separation of the departments of insurance and banking, which was read the second time of February 6, and laid on the table subject to call.

The Chair laid the bill before the Senate, and the committee report carrying the following amendments was adopted:

Amending the bill by striking out the words Vernon's Sayles' Revised Statutes of the State of Texas, wherever it may appear, both in the body and caption of the bill, and write in

lieu thereof the following: Revised Statutes of 1911, and amendments thereof.

Senator Holbrook offered the following amendment to the bill:

Amending S. B. No. 107 as printed, by adding a new section to be known as Section 9a, which shall read as follows:

Section 9a. This bill shall not take effect until the 1st day of September, 1923.

The amendment was adopted.

Senator Baugh offered the following amendment to the bill:

Amend S. B. No. 107 on page 2, line 32, after the word "Cashier" the following:

But experience as deputy Banking Commissioner shall be deemed as that of practical banker for the purpose of this Act.

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 107 by striking out the words and figures Ten Thousand (\$10,000)" on line 3, page 3 of the bill, and insert in lieu thereof the following words and figures: "Six Thousand (\$6,000)) Dollars."

Senator Doyle offered the following substitute for the amendment.

To amend the amendment printed bill No. 107 by striking out the words "ten thousand" wherever it appears in the bill and insert in lieu thereof the words "seven thousand."

The substitute was lost.

Senator Baugh offered the following amendment to the amendment offered by Senator McMillin.

Amend S. B. No. 107 by striking out the words "six thousand dollars" and insert in lieu thereof the words "five thousand dollars."

Senator Bowers moved to table the amendment to the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Stuart.
Bledsoe.	Thomas.
Bowers.	Turner.
Davis.	Watts.
Holbrook.	Wirtz.
Parr.	Witt.
Ridgeway.	Wood.
Rogers.	

Nays—13.

Baugh.	Lewis.
Burkett.	McMillin.
Clark.	Pollard.
Cousins.	Rice.
Darwin.	Strong.
Doyle.	Woods.
Fairchild.	

Absent—Excused.

Dudley.	Murphy.
Floyd.	

Senator Wood offered the following substitute for the amendment:

"Amend the printed bill by inserting 6,500 wherever 10,000 appears."

Senator Bowers moved to table the substitute for the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—24.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Fairchild.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Woods.

Nays—4.

Bledsoe.	Parr.
Doyle.	Wood.

Absent—Excused.

Dudley.	Murphy.
Floyd.	

Senator Bowers offered the following substitute for the amendment:

Amend Senate Bill No. 107, page 3, line 3. by striking out "ten thousand (\$10,000)" and inserting therefor the following: "seven thousand five hundred (\$7,500) dollars."

Senator Pollard moved to table the substitute for the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13.

Baugh.	Lewis.
Burkett.	McMillin.
Clark.	Pollard.
Cousins.	Rice.
Darwin.	Stuart.
Doyle.	Woods.
Fairchild.	

Nays—15.

Bailey.	Strong.
Bledsoe.	Thomas.
Bowers.	Turner.
Davis.	Watts.
Holbrook.	Wirtz.
Parr.	Witt.
Ridgeway.	Wood.
Rogers.	

Absent—Excused.

Dudley.	Murphy.
Floyd.	

Question: Shall the substitute offered by Senator Bowers for the amendment offered by Senator McMillin be adopted?

Message from the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate, as follows:

Governor's Office,

Austin, Texas, Feb. 12, 1923.

To the Texas Senate, Thirty-eighth Legislature.

Gentlemen: I am returning herewith to you, Senate Bill No. 32, an Act creating two additional district courts for Dallas county, with my disapproval and veto.

After an investigation of court conditions in Dallas county, and after a conference with the Senator and the Representatives in the Legislature from Dallas county, it is recommended to your honorable body, that one permanent district court be created and that one temporary court be created, the life of said temporary court to extend to a date not later than July 1st, 1924. These two courts thus created will, in the opinion of the Representatives from Dallas county in the Legislature, if I properly interpret their opinion as expressed to me, take care of the present crowded court docket of that county.

In view of the fact that the Representatives of Dallas county agree to the recommendations herein made, I shall not include in this veto message the reasons that prompt me to veto the bill herewith returned to you.

Respectfully,

PAT M. NEFF, Governor.

H. C. R. No. 4 Re-referred.

On motion of Senator Bledsoe, H. C. R. No. 4 was withdrawn from the Committee on Educational Affairs, and was re-referred to the Committee on State Affairs.

Simple Resolution No. 58.

By Senator Bowers, by unanimous consent:

Whereas, there are many bills introduced in the Senate, and passed out of the various committees, and thence to the printers; and,

Whereas, it is reported to members of the Senate that bills are not being printed and returned in their regular order. Therefore, be it

Resolved, That such practice on the part of the printer is improper and should be corrected and that the Committee on Public Printing of the Senate be and are hereby requested to investigate this matter, and see that it be corrected, if it be true that such is the case, and that bills be printed in their regular order of business.

Bowers, Fairchild, Witt, McMillin, Darwin.

The resolution was read and adopted.

Simple Resolution No. 59.

By Senator Witt, by unanimous consent:

Whereas, This is the birthday of Abraham Lincoln. Therefore be it

Resolved, That in commemoration thereof and in his memory we spread upon the Journal the following quotation from his Harrisburg speech on "National Peace," delivered to some of the original Quaker settlers of Pennsylvania, to-wit:

"Allusion has been made to the peaceful principles upon which this great commonwealth was originally settled. Allow me to add my meed of praise to those peaceful principles. I hope no one of the friends who originally settled here, or who lived here since that time, or who lives here now, has been or is a more devoted lover of peace, harmony, and concord than my humble self."

Witt, Rogers, Bowers, Davis, Ridgeway.

The resolution was read and adopted unanimously.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 266, A bill to be entitled "An Act to amend Chapter 3, Special Laws of the Thirty-fifth Legislature, enacted at its Regular Session, creating the Hearne Independent School District; the said amendment providing for re-defining the boundaries of said school district and providing for the extension of said district and the annexation of adjacent territory thereto; providing for retention in office of present board of trustees and confirming the rights of the present board of trustees under the General Laws of the State; validating all taxes and bonds now in force; providing for elections to determine (1) whether or not the indebtedness of the Hearne Independent School District, (2) of the additional territory annexed by this Act, shall be assumed by the Hearne School District as extended by this Act, and (3) whether or not the taxes for the district shall be levied, assessed and collected on all property in said district as extended by this Act, and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act amending Sections 3, 5 and 6 of Chapter 33 of the General Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session, approved March 18, 1921, which was an Act entitled 'An Act reorganizing and adjusting the Fourth and Seventy-first Judicial Districts of Texas, incorporating Gregg County in the Seventy-first Judicial District and fixing the time of holding court in each of the several counties of said two districts and providing for the proper administration of said courts, and declaring an emergency,' the purpose of this amendment being to amend Section 3 of said Act so as to rearrange the times of holding courts in the Seventy-first Judicial District of Texas, which compose Harrison and Gregg counties, and making provision for the validity of process and declaring an emergency."

H. B. No. 395, A bill to be entitled "An Act providing more efficient road laws for Bexar County, conferring on the Commissioners' Court of Bexar County control of all roads, bridges, drains, ditches, culverts and all works incident to same; authorizing the employment of all necessary labor, teams, wagons and clerical help, and providing payment therefor; providing for road or ditch crossing wherever necessary, and the acquiring of land for same; authorizing the appointment of a county highway engineer, road superintendents and assistant engineers and other assistants, regulating the working of convicts, exempting all persons from road work and abolishing the office of road overseer, defining the word "road;" repealing all laws and parts of laws in conflict herewith, and declaring an emergency, and expressly amending Section 17 thereof, and declaring an emergency."

H. B. No. 427, A bill to be entitled "An Act to create the Barksdale Independent School District in Edwards and Real Counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act to empower municipal corporations and county commissioners' Court, licensing and regulating public indoor recreating places; limiting license to adult citizens of the United States; providing for the revocation of license; compelling operators of such places to conform to regulations; providing for license tax and fixing penalties for violations; prohibiting minors and vagrants from loitering in such places; prohibiting blinds and other obstructions; regulating hours opening and closing; exempting student organizations, and declaring an emergency," was indefinitely postponed, and a motion to reconsider was tabled by the following vote: 68 yeas, 43 nays.

H. C. R. No. 15, requesting Congress to pass certain immigration laws.

Concurred in Senate amendments to H. B. No. 1 by a vote of 108 yeas, 3 nays.

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 306.
H. B. No. 307.
H. B. No. 255.
H. B. No. 146.
H. B. No. 52.
H. B. No. 173.
H. C. R. No. 13.
H. C. R. No. 14.
S. B. No. 165.

Bills Read and Referred.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

H. B. No. 266 referred to Committee on Educational Affairs.

H. B. No. 335 referred to Committee on Judicial Districts.

H. B. No. 395 referred to Committee on Roads, Bridges and Ferries.

H. B. No. 427 referred to Committee on Educational Affairs.

Adjournment.

Senator Pollard moved that the Senate recess until 8 p. m. tonight.

On motion of Senator Clark, the Senate at 5:20 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX A.

Petitions and Memorials.

Senator Clark sent up and had read a telegram from G. B. Norris and E. T. Fry, president and secretary of Celeste Independent School District, commending efforts to repeal the Free Text Book Law.

Senator Burkett offered and had read a petition numerously signed by Haskell County citizens requesting support of House Bill No. 269 providing for injunction against hotels that permit bootlegging and drunken revels.

Also, a petition signed by 75 citizens of Martin County, urging opposition to Tax Bills Nos. 74 and 303, pending in the lower house.

Senator Stuart sent, for reading, a petition numerously signed by Fort Worth citizens, protesting strongly against H. B. No. 74, providing for State Income Tax, also urging opposition to the resolution offered by Jacks, of Dallas County, to amend Constitution.

Senator Davis offered, and obtained unanimous consent to have printed in the Journal, a statement of figures and statistics for reference in the tax measures now pending in the Legislature.

(See Statement, Appendix B.)

Committee Reports.

Senate Chamber.

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Honorable Sir: We, your Committee on Engrossed Bills, have had S. B. No. 278 carefully compared and find same to be correctly engrossed

DOYLE, Chairman.

Senate Chamber.

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Honorable Sir: We, your Committee on Engrossed Bills, have had S. B. No. 262 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber.

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Honorable Sir: We, your Committee on Engrossed Bills, have had S. B. No. 158 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber.

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Honorable Sir: We, your Committee on Engrossed Bills, have had

Senate Bill No. 229 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 231, A bill to be entitled "An Act to prohibit the manufacture, sale, barter, exchange, transportation, receipt, or possession of all alcoholic preparations of ginger."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 243, A bill to be entitled "An Act to prescribe a closed season for the hunting of blue or scaled quail in Lampasas County, Texas, and to provide adequate penalties for the unlawful taking, slaughter, storage, or possession of same; to repeal all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 132, A bill to be entitled "An Act to amend Article 465 of the Code of Criminal Procedure of the State of Texas, and to further define the mode of prosecuting the offense of perjury in certain cases."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom was
referred

S. B. No. 288, A bill to be entitled
"An Act amending Article 303 of the
Penal Code of the State of Texas so
as to permit the sale of gasoline and
lubricants on Sunday, and declaring
an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port the same back to the Senate
with the recommendation that it do
pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

H. B. No. 225, A bill to be entitled
"An Act to prohibit the hunting,
trapping, ensnaring or killing of any
wild deer, buck, doe or fawn within
the limits of the County of Bosque,
State of Texas, for a period of five
years from and after the passage of
this Act, and providing a penalty
therefor, and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port the same back to the Senate
with the recommendation that it do
pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Crim-
inal Jurisprudence, to whom was re-
ferred

S. B. No. 128, A bill to be entitled
"An Act to require all locomotives,
engines, and boilers operated in or
near any forest or other land adjacent
to forest land, and not equipped to
use oil for fuel, to be provided with
an efficient device to prevent the es-
cape of sparks and fire; providing such
fire prevention devices must be main-
tained in repair; providing a penalty
for non-compliance; providing that no
person shall wilfully or negligently
cause or permit forest or other fires
that may damage forest growth, and
providing a penalty."

Have had the same under considera-
tion, and I am instructed to report
the same back to the Senate with the
recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Con-
stitutional Amendments, to whom was
referred

Senate Joint Resolution No. 16,
"Proposing an amendment to the Con-
stitution of the State of Texas, to
amend Section 4, Article 8 of the Con-
stitution exempting certain corpora-
tions and corporate property from tax-
ation by Act of the Legislature for a
term not exceeding ten years."

Have had same under consideration,
and I am instructed to report same
back to the Senate with the recommen-
dation that it do not pass.

WOODS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Con-
stitutional Amendments, to whom was
referred

Senate Joint Resolution No. 15,
"Proposing an amendment to the Con-
stitution of the State of Texas to pro-
vide that the tenure of office shall be
four years, after the general election
of 1924, and excepting judges of the
district courts, judges of the Supreme
Court, Court of Criminal Appeals, Con-
gressmen and United States Senators."

Have had same under consideration,
and I am instructed to report same
back to the Senate with the recommen-
dation that it do not pass.

WOODS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Con-
stitutional Amendments, to whom was
referred

Senate Joint Resolution No. 17,
"Proposing an amendment to Section
2, Article 7 of the Constitution of Tex-
as, repealing the constitutional provi-
sion authorizing the State Board of
Education to set aside funds to pro-
vide free text books for the use of
children attending the public free
schools of this State."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WOODS, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

S. B. No. 282, A bill to be entitled "An Act appropriating \$5,000,000.00 out of the State treasury to aid all the public schools for the scholastic year beginning September 1, 1923, and ending August 31, 1924, and appropriating \$5,000,000.00 out of the State treasury to aid all the public schools for the year beginning September 1, 1924, and ending August 31, 1925, the same to be distributed as the available school fund is distributed; and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 9, 1923.
Sir: We, a minority of your Committee on Educational Affairs, to whom was referred S. B. No. 282, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD.
COUSINS.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

S. B. No. 293, A bill to be entitled "An Act repealing all statutes passed by the Legislature of the State of Texas authorizing and providing for the furnishing of free textbooks or textbooks purchased out of public funds to school children; and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred S. B. No. 293, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

WOOD,
DARWIN.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 257, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 49, General Laws of the Regular Session of the Thirty-fourth Legislature; raising the maximum age prescribed for compulsory attendance in the public schools of the State; increasing the compulsory attendance period; restating certain exemptions under said Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the Committee substitute therefor do pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 185, A bill to be entitled "An Act to amend Article 2783 of the Revised Statutes of Texas of 1911 and amendments thereto, which relates to prescribed studies for the public schools in this State, by providing that all public, private, and parochial schools in this State, shall be and are hereby required to have taught in them wholly in the English language, orthography, reading,

penmanship, arithmetic, English grammar, modern geography, composition, physiology and hygiene, including the effects of alcoholic stimulants, narcotics on the human system, mental arithmetic, Texas history, United States history, civil government, including the Constitution of the United States and the Constitution of Texas, cotton grading and other branches as may be agreed upon by the trustees and directed by the State Superintendent of Public Instruction; provided, further, that suitable instruction shall be given in the primary grades once each week regarding kindness to animals of the brute creation and the protection of birds and their nests and eggs; provided, further, that suitable instruction shall be given in all the grades once each day on the rights, duties, ideals, traditions, history, and principles of the United States and Texas; provided, further, that in all the grades of said schools above mentioned, suitable instruction shall be given once each day in physical education, which shall include suitable activity of the right character to insure development of the strength, endurance, agility and trained control of the muscular powers, courage, self-control, self-subordination, cooperation and initiative, and shall include provision for correction of deficient bodily conditions that impair health and development; and provided, further, that the State Superintendent of Public Instruction, together with the Board of Education of the State of Texas, shall make out a course of study for the public, private, and parochial schools of this State to cover the last two provisions of this article, that is, for the teaching of the rights, powers, duties, and ideals of the history of the United States and Texas, and on the subjection of physical education, and shall have it ready for said schools by September 1, 1923, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do not pass, but that the Committee substitute therefor do pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 86, A bill to be entitled "An Act to provide an adequate method of regulating the practice of civil engineering in the State of Texas, in order to safeguard life, health, property, and the public welfare; creating a board for the examination and certification of civil engineers and prescribing its powers, duties, and compensations; providing for a special fund to be derived from fees; providing for certificate of registration; defining the qualifications of certified civil engineers; providing for a record of registration; providing for revocation of such certificates; providing for appeals from revocation; providing a penalty for the practice or attempted practice of civil engineering without a certificate of registration; providing for annual renewal fee; providing for the certifying of drawings and reports made by a certified civil engineer; providing for temporary licenses and exemption under certain conditions; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of the Senate.

We, your Committee on Educational Affairs, to whom was referred

S. B. No. 298, A bill to be entitled "An Act creating, establishing and incorporating Carlson Common School District No. 16 in Hidalgo County, Texas, heretofore embraced in Panchita Common School District No. 2, describing the metes and bounds thereof, and declaring an emergency."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

We, your Committee on Educational Affairs, to whom was referred S. B. No. 294, A bill to be entitled "An Act to amend Chapter 5 of the Special and Local Laws of the State of Texas passed by the Thirty-seventh Legislature by the First Called Session thereof, said Act being an Act creating the Mexia Independent School District in Limestone County, Texas, by amending Section One of said Act so as to re-establish the boundaries of said Mexia Independent School District and make boundaries conform to the boundaries of said Mexia Independent School District at the time of the passage of said Act, and by amending said Act by adding thereto Section 4a to restore to the Point Enterprise, Forest Glade, Woodland, Cedar, Tehuacana and Tehuacana Valley Common School Districts in Limestone County the lands taken from each of said districts and included within said Mexia Independent School District by said Act; and to re-establish each of said common school districts with the same boundaries occupied by it at the time of the passage of said Act; and to provide that no taxes shall ever be levied or collected by the Mexia Independent School District on the lands taken by this Act from the Mexia Independent School District and restored to said common school district; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 170, A bill to be entitled "An Act to abolish the Higgins Independent School District created under the General Laws of the State of Texas, and to incorporate the Higgins Independent School District to be

within certain boundaries at and surrounding the town of Higgins in Lipscomb County with all powers, rights, and privileges of independent school districts, to elect trustees, issue bonds and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 251, A bill to be entitled "An Act creating and incorporating the Meadow Independent School District in Terry county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing the said Meadow Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district including all or a part of the territory embraced within the boundaries of the independent district as created by this Act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the

Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 235, A bill to be entitled "An Act to amend Chapter 35, Acts of the First Called Session of the Thirty-seventh Legislature, being an Act creating the Sudan Independent School District in the county of Lamb, State of Texas, by amending Section 1 thereof so as to more accurately define its boundaries, and by adding Section 12a thereto, providing for the validation of certain bond issues, bond and maintenance taxes, and the election and acts of the officers of said district; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 57, A bill to be entitled "An Act creating the Ponder Independent School District in Denton county, Texas, defining its metes and bounds, providing for a board of trustees thereof, vesting it with the right and duties of districts incorporated for school purposes only under the General Laws of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 341, A bill to be entitled "An Act to create the Deats Independent School District in Kimble and

Edwards counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the Board of trustees of the present school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 337, A bill to be entitled "An Act creating the Village Mills Independent School District of Hardin County, Texas, defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district, and investing the said district with the rights, powers, authority, jurisdiction, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate, with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 276, A bill to be entitled "An Act creating and incorporating the Key Independent School District in Dawson County, Texas, out of territory now known as Key Common School District in said county, defining the boundaries thereof; providing for a board of trustees, their

election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes; and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Key Independent School District shall assume and discharge any and all bonds and indebtedness constituting valid and binding obligations of Key Common School District No. 15; validating and continuing in force any and all bond and maintenance tax heretofore voted and now in force in said common school district, validating the certain bond issue voted by Key Common School District No. 15; providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 292, A bill to be entitled "An Act to create the Talpa Independent School District in Coleman County, Texas, including the present Talpa District of said County, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing

that the board of trustees of the present Talpa District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 236, A bill to be entitled "An Act creating the Sour Lake Independent School District, defining its boundaries, including the present Sour Lake Independent School District; providing for a board of trustees, and the manner of their election; vesting title to all school property within said district in said board of trustees, and their successors in office; charging said district with the payment of all indebtedness of any and every nature whatsoever, and the performance of all contracts of the schools that are included within said district; providing that the board of trustees thereof elected and now serving for the Sour Lake Independent School District, as now existing, shall continue in office for the district hereby created until the expiration of their terms of office and until their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by the General Laws upon trustees of independent school districts created for school purposes under the General Laws and in addition thereto, certain plenary powers; providing for the annexation of adjacent territory thereto; validating and continuing in force the maintenance tax heretofore voted by the voters in every territory within the district hereby created until the voters in said district increase, diminish, or abolish such taxes in accordance with the General Laws; vesting authority in the board of trustees to issue bonds for the purpose of purchasing school building sites or additional yards to the pres-

ent sites, and erecting, altering, or repairing, furnishing and equipping school buildings within said district; empowering the trustees to levy taxes therefor, and to pay current expenses for the support and maintenance of the schools; providing said district shall remain chargeable with its pro rata part of any outstanding bonded indebtedness heretofore voted by the Batson Independent School District in Hardin County, Texas, or any other school district whose territory is by this Act encroached upon; providing that if any part of this Act shall not be invalidated or vitiated; providing for the repeal of all laws, and parts of laws, in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 330, A bill to be entitled "An Act creating the Schwertner Independent School District in the county of Williamson, State of Texas, defining its boundaries, providing for a board of trustees to control and manage the schools of the said district, divesting Common School District No. 48 of Williamson County, Texas, of the control of the free schools of the said district, and of the title, management and control of all property held, owned and controlled for public free school purposes therein, and vesting the same in the said Schwertner Independent School District, and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuing of bonds; providing for the election of officers for the said school district; providing for the election of assessor and collector for said school district; providing for the erection of buildings and equipping same for school purposes; and assuming the payment of the outstanding bonded indebtedness of Common School District No. 48, of Williamson County, Texas, and creating an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 295, A bill to be entitled "An Act to repeal Chapter 4 of the Special and Local Laws of the State of Texas as passed by the First Called Session of the Thirty-seventh Legislature, being an Act creating the Tehuacana Independent School District in Limestone county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, and their title and rights to school properties; providing for changes in the boundary lines of said district; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; providing for the raising of revenue, issuing bonds, building and maintaining school houses and organizing and maintaining a high school and declaring an emergency; and to restore and re-establish the Tehuacana Common School District, Cedar Common School District, Yarbrowville Common School District, Wolf Creek Common School District, Tehuacana Valley Common School District and Woodland Common School District, situated in Limestone county, Texas, to the same condition and with the same boundaries occupied by each of said districts before the passage of said Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 281, A bill to be entitled "An Act releasing the inhabitants of and property in Hidalgo county for a period of twenty-five years from the payment of taxes levied for State purposes because of great public calamities in said county, as provided in Section 10 of Article 8 of the State Constitution, and providing that said county shall vote bonds of said county to prevent the recurrence of such calamities, and in case of the failure of the county to vote such bonds by or before October 1, 1924, said Act shall become null and void, and said taxes collected in the usual manner and paid into the State Treasury; and providing an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSOE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Mining, Irrigation and Drainage, to whom was referred S. B. No. 281, having had the same under consideration, recommend that said bill be returned to the Senate with the recommendation that it do not pass.

BLEDSOE.

WIRTZ.

Committee Room,

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred,

House Concurrent Resolution No. 11, providing for the renewal and extension of certain vendor lien notes therein described, have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike out the following words on page 2 of said resolution:

"And the expense of converting and exchanging said matured notes and interest into marketable paper to be paid by the Board of Prison Commissioners out of its current funds."

LEWIS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your committee on Stock and Stock Raising, to whom was referred

S. B. No. 80, A bill to be entitled "An Act abolishing the Live Stock Sanitary Commission of the State of Texas and the office of each and every member thereof; conferring the authority, power, duties, functions, rights and liabilities of said commission and the members thereof upon the Commissioner of Agriculture of the State of Texas; making available to the Commissioner of Agriculture all appropriations made by the Legislature for said Live Stock Sanitary Commission and the members thereof; conferring upon the Commissioner of Agriculture power to dispense with any of the work or employees where to do so would prevent duplication of work or contribute to efficiency and economy."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

PARR, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 80, have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

BOWERS,
STRONG.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, a majority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 202, A bill to be entitled "An Act amending Section 15a of Chapter 38, General Laws, passed at the Third Called Session of the Thirty-sixth Legislature, relating to the power of the Live Stock Sanitary Commission to require the dipping of cattle and other animals in an arsenical solution for the purpose of destroying, eradicating and removing the fever carrying tick, by providing that such cattle and other animals shall not be dipped oftener than once every thirty days; and amending Section 12 of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12, General Laws passed at the First Called Session of the Thirty-fifth Legislature, relating to the appointment of inspectors by the Live Stock Sanitary Commission in counties which have been quarantined; defining the duties of such inspectors so appointed; providing that such inspectors shall give bond for the faithful performance of their duties, and authorizing any person who has been injured by the negligence of such inspectors in the performance of their duties to bring suit against such inspectors and bondsmen; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

PARR, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, a minority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 202, have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

CLARK,
BOWERS.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, a majority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 89, A bill to be entitled "An Act to repeal Articles 7312, 7313, and Articles 7315 to 7324, inclusive, of Chapter 8, Title 124. Revised Statutes, 1911, as amended by Chapter 160, General Laws, passed at the Regular Session of the Thirty-third Legislature, as amended by Chapter III, General Laws passed at the Regular Session of the Thirty-fourth Legislature, and as further amended by Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, and all of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, together with all amendments thereto, and all of Chapter 10, General Laws, as passed at the Fourth Called Session of the Thirty-sixth Legislature, which Articles and Session Acts relate to the establishment of the Live Stock Sanitary Commission of the State of Texas, defining its powers, and prescribing its duties and relating to the eradication of the cattle tick in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

PARR, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, a minority of your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 89, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BOWERS.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 13, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Floyd.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bledsoe.

See Appendix for committee reports and petitions.

Bills and Resolutions.

By Senator Baugh:

S. B. No. 313, A bill to be entitled "An Act to amend Chapter Ten (10) of Title Forty Eight (48) of the Revised Civil Statutes of 1911 relating to the powers and duties of the State Board of Education with reference to the purchase of bonds for the account of the state permanent school fund by adding to said chapter immediately after Article 2740, a new article to be known as Article 2740-A and validating the purchase of bonds by the State Board of Education purchased on deferred payments of the purchase price as of the time of the respective payments on the purchase price of such bonds, and prescribing certain duties of the State Board of Education, the State Treasurer and the State Comptroller of Public Accounts with reference to allowing credits on certain interest

coupons attached to said bonds by reason of deferred payments of the purchase price thereof, and limiting the validation of said purchase contract to all bonds purchased on deferred credit since January 1, 1921, providing for adjustment and return of moneys advanced by the State as compensation for accrued interest on said bonds prior to the date of said purchase and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Holbrook:

S. B. No. 314, A bill to be entitled "An Act authorizing the Gulf, Colorado and Santa Fe Railway Company to purchase, own and operate the railroad and other property, with its franchise and appurtenances, now or hereafter owned by Galveston and Western Railway Company in the city of Galveston, State of Texas, west of the east line of Thirty-eighth Street, or any part or parts thereof, including all ordinances of the city of Galveston now existing or hereafter passed relating to rights or franchising in the streets of said city west of the east line of said Thirty-eighth Street, and declaring an emergency."

Read first time and referred to Committee on Internal Improvement.

(Affidavits covering publication of notice to apply to the Legislature were filed with the bill.)

By Senator Davis:

S. B. No. 315, A bill to be entitled "An Act to amend Article 3086, and 3095 of Chapter 10, Title 49, of the Revised Statutes of Texas, relating to primary elections; to prescribe the form of the ballot to be used at such elections, the manner of counting the votes and declaring the result of such election, and to appeal Article 3091 and 3092 of said title and chapter."

Read first time and referred to Committee on Privileges and Elections.

By Senator Rogers:

S. B. No. 316, A bill to be entitled "An Act making an appropriation of the unexpended balance of the American Legion Memorial Sanatorium appropriation; and appropriating for said sanatorium the amount received from the American Legion and Be-